

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	CASE NO: 1:15-CR-381
	:	
Plaintiff,	:	
	:	JUDGE DONALD C. NUGENT
-vs-	:	
	:	
MATTHEW J. KING,	:	<b><u>DEFENDANT’S TRIAL BRIEF</u></b>
	:	
Defendant.	:	
	:	
	:	

Defendant Matthew King, through undersigned counsel, respectfully submits the following Trial Brief for this Court’s use at trial, scheduled to commence May 16, 2016.

Respectfully submitted,

/s/Timothy C. Ivey  
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**BRIEF**

**I. Allegations of Money Laundering**

This case involves three counts of money laundering, all in violation of 18 U.S.C. § 1956(a)(3)(B). Specifically, Mr. King has been charged with the following:

Count 1 alleges on or about February 10, 2014, in the Northern District of Ohio, Defendant Matthew J. King, with the intent to conceal and disguise the nature, location, source, ownership, and control of property believed to be the proceeds of specified unlawful activity, did knowingly attempt to conduct a financial transaction affecting interstate and foreign commerce involving property represented by M.T. (an individual known to the grand jury, but not indicted herein), who was acting at the direction of law enforcement, to be proceeds of specified unlawful activity, to wit: Defendant did accept \$20,000 in U.S. currency represented to be the proceeds of the distribution of controlled substances, in violation of 21 United States Code, Section 841(a)(1).

Count 2 of the Indictment alleges that on or about February 18, 2014, in the Northern District of Ohio, Defendant Matthew J. King, with the intent to conceal and disguise the nature, location, source, ownership, and control of property believed to be the proceeds of specified unlawful activity, did knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce involving property represented by M.T. (an individual known to the grand jury, but not indicted herein), who was acting at the direction of law enforcement, to be proceeds of specified unlawful activity, to wit: Defendant did write a check in the amount of \$2,000 made payable to M.A.T. and Associates for the purpose of laundering U.S. currency that had been represented to Mr. King to be the proceeds of the distribution of controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

Count 3 of the Indictment alleges that on or about February 18, 2014, in the Northern District of Ohio, Defendant Matthew J. King, with the intent to conceal and disguise the nature, location, source, ownership, and control of property believed to be the proceeds of specified unlawful activity, did knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce involving property represented by M.T. (an individual known to the grand jury, but not indicted herein), who was acting at the direction of law enforcement, to be proceeds of specified unlawful activity, to wit: Defendant did write a check in the amount of \$2,000 made payable to M.T. for the purpose of laundering U.S. currency that had been represented to Mr. King to be the proceeds of the distribution of controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

## **II. Elements of the Offense**

To support a conviction of 18 U.S.C. §1956(a)(3)(B) the government must prove:

- (A) First, that the defendant conducted or attempted to conduct a financial transaction.
- (B) Second, that the property involved in the financial transaction was represented to be the proceeds of the distribution of controlled substances.
- (C) Third, that the defendant had the intent to conceal or disguise the nature, location, source, ownership, and control of property believed to be the proceeds of specified unlawful activity.

The term “financial transaction” means (A) a transaction which in any way or degree affects interstate or foreign commerce (i) involving the movement of funds by wire or other means or (ii) involving one or more monetary instruments, or (iii) involving the transfer of title to any real property, vehicle, vessel, or aircraft, or (B) a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, interstate or foreign commerce in any way or degree.

As to count 1, the government has charged Mr. King with attempting to commit the crime of money laundering. To establish attempted money laundering the government must prove:

(A) First, that the defendant intended to commit the crime of money laundering.

(B) And second, that the defendant did some overt act that was a substantial step towards committing the crime of money laundering.

Mr. King asserts that the government will be unable to meet its burden of proving each of the required elements beyond a reasonable doubt at trial.

### **III. Plea Offer**

Undersigned counsel has presented all plea offers to Mr. King. He is considered the offers and rejected them.

### **IV. Exhibits**

4/9/2016 Audio/Video Recording  
Bank Records  
Text Message

### **V. Pending Issues**

Mr. King has recently filed a motion in limine requesting the Court exclude the irrelevant portions of the recording the government will play at trial and the transcripts of the recordings.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 12, 2016 a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

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